

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: February 13, 2019

Agenda Item: Partial assignment of conservation easement (access) on NCP Bayou II properties (R2)

Division: Wildlife

Action Needed: Endorsement

Time Needed on Agenda for this Presentation: 5 minutes

◆-----◆

Background: Five Valleys Land Trust (FVLT), the Department of Justice Natural Resource Damage Program (NRDP), The Conservation Fund (TCF), and the Graveley family are working to place a conservation easement (CE) on 3,110 acres of NCP Bayou II land in the foothills of the Garnet Mountains near Garrison in Powell County (see separate Figure). The Graveleys would use the funds from the sale of the Gravely Ranch CE on 5,167 acres of their current property to purchase the adjacent properties currently owned by Connecticut-based NCP Bayou II. The Graveleys would then sell a CE to FVLT on their NCP Bayou II property, leading to an overall conservation footprint in the area of 8,277 acres. FVLT proposes to assign the management of public hunting access to Montana Fish, Wildlife & Parks (FWP) in perpetuity. On their current property, the Graveleys have historically allowed more than 400 hunter days annually. FWP would work with the landowners to identify minimum hunter days, consistent with historic use, for perpetual public hunting access for this property. Funding for the NCP Bayou II property CE would come from NRDP, TCF, and FVLT. No FWP funds would be involved; therefore, the proposed action is for FWP to pursue accepting management of the right of public hunting access on the NCP Bayou II CE in perpetuity.

Public Involvement Process & Results: This is a new proposal before the commission, so no public comment or involvement has been solicited by FWP to date. Requisite public involvement through a draft environmental assessment (EA) and public hearing would be sought, pending approval to proceed. NRDP recently conducted a 30-day public comment period for its proposed funding of a portion of these CE proposals, and the 11 comments it received were all in general support of its funding proposal.

Alternatives and Analysis:

Proposed Action: FWP proposes to work with FVLT, NRDP, TCF, and the Graveley family to secure a conservation outcome for the NCP Bayou II property, including the management of perpetual public hunting access assigned to FWP.

No-Action Alternative: FWP would forgo the opportunity to pursue this public hunting access opportunity. This outcome may result in a failed CE project (i.e., the CE would not be purchased and finalized due to lack of a public hunting access component in the CE as desired by NRDP, an essential funding institution). In that event, the opportunity to secure perpetual public hunting access could be lost.

Agency Recommendation & Rationale: FWP recommends that it be allowed to pursue and evaluate this opportunity to receive assignment of the public hunting access to this property.

Proposed Motion: I move the commission endorse FWP's proposal to pursue and evaluate this opportunity to accept delegation from FVLT of the public hunting access rights of FVLT's proposed NCP Bayou II conservation easement.